

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

State Building Code Appeals Board¹
Docket No. 05-339, 05-340, 05-341 and 05-342

Mary Niles, James West, Stanley)
Goldstein and Hilda Hammill)
Appellants,)
)
v.)
)
Town of Concord and John R.)
Minty,)
Appellees)
)

BOARD'S RULING ON APPEAL

Procedural History

This matter came before the State Building Code Appeals Board ("the Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellants asks the Board to grant a variance from 1014.3 (Stairway Width) of the Massachusetts State Building Code ("MSBC") for 3 Concord Greene, Unit 4; 14 Concord Greene, Unit 2; 20 Concord Greene, Unit 2 and 4 and 21 Concord Green, Unit 6, all located in Concord, MA. In accordance with MGL c. 30A, §§ 10 and 11; MGL c. 143, §100; 801 CMR 1.02 et. Seq.; and 780 CMR 122.3.4, the Board convened a public hearing on December 19, 2006 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Present and representing the Appellants was Paul Vanderlee of 28 Concord Greene, Unit 2, Concord, MA. Present and representing the Town of Concord Building Department was John R. Kelly. Present and representing the Town of Concord Fire Department was Christopher J Kelley.

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108.

Discussion

Motion was made to approve the Appellants' request for a variance from section 780 CMR 1014.3 of the MSBC to allow for a decreased egress stair width, which occurred as a result of four stair lifts being installed on the egress stairway at 3 Concord Greene, Unit 4; 14 Concord Greene, Unit 2; 20 Concord Greene, Unit 2 and 4 and 21 Concord Green, Unit 6, all located in Concord, MA. The Town of Concord Building and Fire Departments do not object to this Boards approval of this variance. The variance is granted with the stipulation that the stair chair lift seat must be returned and stored in an upright position after every use. Motion carried 3-0.

It shall be noted that this Board has no jurisdictional authority to grant a variance from Architectural Access Board Rules and Regulations (521 CMR). The scope of this Board's jurisdiction lies only within the provisions of the Massachusetts State Building Code. The granting of this variance reflects the full extent of this Board's jurisdictional authority. Although this Board has approved this variance to allow for a decrease in the width of the egress stair the Appellant may still be subject to the requirements of 521 CMR.


Conclusion

The Appellant's request for variance from section 780 CMR 1014.3 of the MSBC is hereby **GRANTED**.

SO ORDERED.



HARRY SMITH



ALEXANDER MACLEOD



KEITH HOYLE

DATED: January 22, 2007

** In accordance with M.G.L. c. 30A § 14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.*